course and methods of study prevailing at the Harvard Law School. The Harvard Law School is undoubtedly the most thorough and satisfactory School for the study of Anglo-American law in the world, and we could set before us no higher standard. It was resolved to admit no applicant to our School who was not a graduate of a high school or an academy of equivalent standing, or who could not pass an examination showing proficiency in those branches of a high-school education important as a basis for the study of law. No one is now admitted to the Harvard Law School who is not the graduate of a college, but we did not deem it wise in a new school to make the requirements for admission quite so high. . . . In the study of contracts, torts, and property, the instructors have adopted the case system as it is pursued at Harvard, and the same books of select cases are used by the students. The system has worked well. It has aroused an interest on the part of the students in the study of these subjects that would be wanting under the old text-book system. . . . In addition to the lectures and recitations, the students have organized several law clubs and a general debating club, in each of which it is the custom to consider and discuss cases suggested either by one of the faculty, or by recent graduates of the Harvard Law School practising law in the city, who, interested in the School and its subject, are able to render material assistance to the students. Such discussions are presided over by the person suggesting the case or question, and at the conclusion a decision is rendered. Briefs are expected from those appointed to lead in the discussion. The attention of the students is thus kept alive to the course of study, and original investigation and reasoning on lines of approved legal thought are stimulated. . . . For the first year's work we follow the Harvard curriculum exactly: students for a degree are required to devote ten hours a week to law lectures and recitations from the first week in October until the first week of the following June."

Judge Taft then gives a list of courses for the second year's study, and proceeds: "At Harvard the candidate for an honor degree has the choice of selecting ten hours of study per week from a course which embraces altogether eighteen hours of recitation per week. It is not possible for us to give so wide a choice, because our force of teachers is inadequate. The above course was selected from the longer one at Harvard, after a full consultation by correspondence with members of the Harvard Law Faculty. It may not be improper for us at this point publicly to acknowledge the very great assistance we have derived in the organization of our School from the suggestions of the members of that Faculty, and to tender our thanks for the same."

MALICIOUS ABUSE OF A LEGAL PROCESS. — It is somewhat surprising that a case recently decided in the New York Supreme Court, *Dishaw* v. *Wadleigh*, 44 N. Y. Supp. 207, should be the first in which the courts of that State have had occasion to recognize malicious abuse of a legal process as a cause of action. This variety of tort, though of modern origin, is now well known in many jurisdictions. The case in New York is a good example of its kind. The defendant, an attorney, having obtained an assignment of a debt owed by the plaintiff, and brought an action on it, sued out a subpœna against him, alleging that his testimony was material in the case. On the debtor's failing to appear, the attorney

procured an attachment against him, by virtue of which he was arrested, brought into court, and made to pay a fine and costs. It then appeared that the debtor was not wanted as a witness; and it was afterwards shown that the attorney sued out the subpœna only in the hope that he would be induced to pay the debt immediately, rather than take the trouble of appearing at the trial which was held at a considerable distance from his home. The justice of allowing the debtor to recover the damage which he has suffered is evident; and the case well illustrates the principal point to be noticed with regard to this sort of tort. The creditor had a perfectly good cause of action in the first place, on which he had a right to sue, and had, in fact, obtained judgment before the bringing of this second suit. The justice or good faith of his claim, however, does not excuse his use of a legal process for a purpose for which it was not intended. In the ordinary action for malicious prosecution of a criminal charge, or the less well established action for maliciously bringing a civil suit, (see 9 HARVARD LAW REVIEW, 538,) it is always necessary to prove that the first suit has been decided against the plaintiff in that suit before the second suit can be brought. Where the action is for abuse of a legal process, however, it is immaterial what has become of the original action. In most of the cases in the books, it will be observed that the question is not even whether the defendant improperly caused the process to issue, but whether he improperly used it for some purpose outside of its legal scope, as to extort money. *Wood* v. *Graves*, 144 Mass. 165. In this particular case, while the suit was an honest one, it was an abuse to sue out the subpœna at all. The money which was hoped to be procured was here lawfully due; but that is no more an excuse for the abuse of the subpœna than it would be for threats of physical violence.

EX POST FACTO LAWS AND THE POLICE POWER. — A New York statute provides that no person shall practise medicine in the State who has ever been convicted of a felony. The Court of Appeals, in *People* v. *Hawker*, 46 N. E. Rep. 607, has recently held that the statute applies to persons convicted before its passage, and that as to such of them at least as were not engaged in the practice of medicine at the time of its passage, it is not invalid as an *ex post facto* law. The court holds that the statute does not prescribe an additional penalty for a past offence, but is an eminently justifiable exercise of the police power in the interests of the public health. The decision is interesting in the light of the well known Test Oath cases, *Cummings* v. *State of Missouri*, 4 Wall. 277, and *Ex parte Garland*, ib. 333, decided by the Supreme Court in 1866. In the former, the question was as to the constitutionality of a provision in the Missouri Constitution of 1865, to the effect that all persons who had ever given assistance to the enemies of the Union should be disqualified as voters and forbidden to hold office or engage in certain professions. The court held that this provision was void as an *ex post facto* law. In *Ex parte Garland*, a similar Act of Congress was declared unconstitutional. In both cases the question was raised by a person who was in the actual practice as one of the proscribed professions when the law was passed, and who had been forced to abandon it. By way of *dicta*, however, the court sweepingly condemns the laws in question as applied to all persons. Four judges dissented in each case, on the ground taken by the Court of Appeals in *People* v. *Hawker*, *supra*, that the laws merely